

REMARKS

I. Claim Rejections Under 35 USC § 102(b)

Claims 32-42 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,651,583 to Klingler et al.

The Examiner has likened the lateral finger-like projections 22 of Klingler et al. to the claimed tongue portions (e.g. elements 11 and 12 of Fig. 1 of the pending application). To eliminate potential confusion on this issue, the claims have been amended to define more clearly the claimed tongue portions of the present application. To help achieve this, the claims have been amended to rename the tongue portions as “flap portions”. These amendments do not narrow the scope of the claims and as such are not being made for the purposes of patentability but rather for clarity. An additional amendment that has been made for clarity and not for the purpose of patentability is the renaming of the “frame member” as the “lumbar support element”.

To clarify the orientation of the flaps, claims 32 and 37 have been amended to define a medial axis for each flap which is normal to the edge at which the flap attaches to the lumbar support element. This medial axis is defined as being vertically oriented, in contrast to the equivalent medial axes that could be drawn for the finger-like projections of Klingler et al. which are oriented horizontally.

The element reciting that the tongues have a tongue resilience that remains substantially unchanged through its range of flexion has been deleted from the independent claims, as this element is not required to patentably distinguish the claimed lumbar support over the prior art.

Claim 35 has been amended to add the limitation that the flap portions are circumscribed by the lumbar support element. This limitation distinguishes the claim over the prior art of record including Klingler et al., in that the oppositely-oriented projections (22) of Klingler et al. are at a free edge of the support element and are not bordered by additional material, in contrast to the flaps (e.g. elements 11 & 12 of Fig. 1) of the present application which are bordered by the lumbar support element 5.

These amendments are completely supported by the originally-filed specification and drawings and as such no new matter is added. Furthermore, these amendments completely distinguish the claims over the art of record, including Klinger et al.

New claim 48 has been drawn to a lumbar support element comprising a flexible lumbar support element and a plurality of flaps wherein at least two flaps are disposed opposite one another with their medial axes being substantially vertical. This claim is fully supported by the originally-filed disclosure and drawings and as such no new matter is added. In addition, this claim is fully distinguished over the cited art of record, including Klingler et al.

II. Conclusion

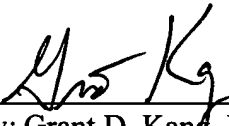
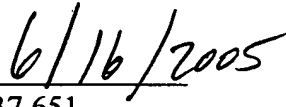
Applicants respectfully submit that all of the independent and dependent claims are allowable over the prior art of record. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance.

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If the Examiner finds that the application is unpatentable for any reason, Applicant hereby formally requests that the Examiner contact the undersigned by telephone at the number provided so that an interview may be scheduled.

Prompt and favorable consideration of this Amendment is respectfully requested.

Respectfully submitted,

 
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